

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7917 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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LIONS SCHOOL COMMITTEE

Versus

REGIONAL P.F. COMMISSIONER

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Appearance:

None present for Petitioner

MR JD AJMERA for Respondent No. 1, 2

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/07/97

ORAL JUDGEMENT

1. The matter was called out for hearing in the first round then in the second and lastly, in the third round but neither the petitioner nor his advocate put appearance. Heard the learned counsel for the respondents and perused the Special Civil Application.
2. The petitioner, a public charitable educational trust, registered under the provisions of the Bombay

Public Trusts Act, 1950, challenges by this Special Civil Application the order dated 4th May, 1990, annexure 'B', of the respondents passed under sec.7-A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952. Under the said order, the respondent has determined the amount of (i) Provident Fund Contribution (Employer's & Employees' Share), (ii) Administrative Charges, (iii) Family Pension Fund Contribution, (iv) Insurance Fund Contributions, and (v) Insurance Fund Administrative Charges, aggregating to Rs.1,43,401/- payable by the petitioner for the period from August, 1982 to January, 1988.

3. It is not in dispute that the provisions of the aforesaid Act were made applicable to the educational institutions w.e.f. 1-4-1982 which date was further modified as 1-8-1982. Though the petitioner was covered under the aforesaid Act, but still it does not started to make the compliance of those provisions, and as such, after giving a notice and an opportunity of hearing to it under the impugned order the amount payable by it under different heads has been determined.

4. This Special Civil Application has come up for admission before this Court on 6-8-1993 on which date the notice was issued. Then on 6-9-1993, this Court has passed the order, "The petitioner to deposit the entire amount of employer's contribution within two weeks from today." Then on 26th July, 1994, this Court has ordered that, "On 29-7-94 an authorised representative will go to the office of the Regional Provident Fund Commissioner, Ahmedabad, and there his submission will be heard and appropriate decision taken thereon shall be communicated to this Court on or before 2-8-1994.".

5. In Special Civil Application what grievance has been made by the petitioner is that the respondent has not considered their representation dated 10-3-1993. In compliance of the aforesaid order of this Court, the representation filed by the petitioner has been considered and after hearing the submissions made on its behalf an order has been passed on 29th July, 1994 and the petitioner was directed to pay the dues which were assessed under the order dated 4-5-1990. An application for draft amendment has been filed by the petitioner challenging the validity of the said order. This order has been challenged on the ground that the order has been made without considering the written submissions as well as the application earlier filed by the petitioner, and as such, it is arbitrary. After going through the order dated 29th July, 1994, I am satisfied that this

contention is wholly devoid of any substance. The matter has been considered after hearing the petitioner's representative and a detailed reasoned order has been passed. There will be no end to such type of contentions. Nobody likes to comply with the provisions of the Act, 1952. It is really sorry state of affairs that the Act, 1952, is made applicable to educational institutions, but the petitioner has not complied with those provisions. The petitioner, herein, is a public charitable educational trust, but it has acted contrary to the interest of its own employees. Though it is a charitable educational trust, but it has not cared to give the benefits of the beneficial legislation to its own employees. The petitioner itself should have complied with the provisions of the Act, 1952 rather than to create a situation where the authority has to proceed in the matter and determine the amount. Both the orders passed by the authority are perfectly legal and justified and does not call for interference of this Court.

6. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged.

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